

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Health Care Access and Accountability
1 W. Wilson St.
Madison WI 53703

To: FoodShare Wisconsin Handbook Users

From: Shawn Tessmann, Bureau Director
Bureau of Enrollment Policy and Systems

Re: **FS Handbook Release 15-03**

Release Date: 09/28/2015
Effective Date: 09/28/2015

EFFECTIVE DATE

The following policy additions or changes are **effective 09/28/2015**, unless otherwise noted. **Grey highlighted text denotes new text. Text with a strike through it in the old policy section denotes deleted text.**

POLICY UPDATES

2.1.2.1 Application Processing 30 Day Timeframe

Note: If the application is being processed after adverse action, CARES will test eligibility for the application month and the next two months. If the household is ineligible for the application month and the second month, eligibility for the third month will also fail and the household would have to reapply even if there are changes in the third month that may make the household eligible for that month.

2.1.3.1 Scheduling the Interview

The agency must make two attempts to contact the household at the time of the scheduled interview. If the first attempt to contact the member is unsuccessful, try contacting the member 15 minutes after the first call. If the second attempt is unsuccessful, document in case comments that the member was unavailable at the appointment time, that the follow-up call was made, and the length of time between calls. Send the Notice of Missed Interview, directing the member to contact the agency to reschedule.

3.2.1.2 Temporary Absence

Examples 5 and 6 were updated.

3.9.1 Attendant/Housekeeper/Live-in Attendant

A live-in attendant (LIA)/housekeeper may participate as a separate food unit from other household members if the LIA/housekeeper meets both of the following conditions:

1. LIA/Housekeeper lives in the home of the person for whom the LIA/Housekeeper provides care or similar services, and
2. LIA/Housekeeper is not the parent, child, sibling or spouse of the person for whom he or she provides care or any other member of the care recipient's food unit [mandatory inclusion rules apply (3.3.1.2)].

3.15.1 Student Eligibility

Anyone, age 18-49, enrolled half-time or more, in an institution of higher education is ineligible, unless he or she meets one of the following criteria:

1. Employed at least an average of 20 hours a week with earnings equal to at least the federal minimum wage.
 - a. Weekly earnings must be at least $\$7.25^* \times 20 \text{ hours} = \145 per week. Use student monthly hours to calculate a weekly average. Students whose employment hours fluctuate from week to week may be determined eligible for FS, provided they maintain an average of 20 hours per week at minimum wage or a total of 80

- hours per month;
2. Self-employed at least an average of 20 hours per week with self-employment earnings (after self-employment expenses are subtracted) equivalent to at least the federal minimum wage for an average of 20 hours a week ($\$7.25 \times 20 = \145 a week).
 - a. Weekly earnings must be at least $\$7.25 \times 20$ hours = \$145 per week. Use student monthly hours to calculate a weekly average. Students whose employment hours fluctuate from week to week may be determined eligible for FS, provided they maintain an average of 20 hours per week at minimum wage or a total of 80 hours per month;
 3. Employed, and self-employed for a combined maximum average of at least 20 hours per week and earning with total earnings equivalent to at least the federal minimum wage for 20 hours a week ($\$7.25 \times 20 = \145 a week). Earnings are based on self-employment income (after SE expenses are subtracted) plus gross income from other employment.
 - a. Weekly earnings must be at least $\$7.25 \times 20$ hours = \$145 per week. Earnings are based on self-employment income (after self-employment expenses are subtracted) plus gross income from other employment. Use student monthly hours to calculate a weekly average. Students whose employment hours fluctuate from week to week may be determined eligible for FS, provided they maintain an average of 20 hours per week at minimum wage or a total of 80 hours per month;

3.16.1.2 Introduction

3.16.1.2 Introduction FoodShare Work Requirements

Note: The FoodShare work requirements described in this section are different from the ABAWD work requirement. For information on the ABAWD work requirement, see section 3.17.1 Able-Bodied Adults without Dependents.

All FS applicants and recipients members must comply with the following work requirements as a condition of FS eligibility, unless they meet an exemption from the FoodShare work requirements (see 3.16.1.3):

3.16.1.3 Exemptions from the FoodShare Work Requirements

Note: There are some differences between exemptions from the general FoodShare work requirements and exemptions from the ABAWD work requirement. For more information on exemptions from the ABAWD work requirement, see section 3.17.1.5 Able-Bodied Adults without Dependents.

The following FS applicants and recipients members are exempt from meeting the FoodShare work requirements in 3.16.1.2:

1. A person younger than age 16 or age 60 or older. A 16 or 17 year old, who is not the head of the HH and is attending school or a work program, at least half time, is also exempt.
2. A student enrolled at least half time in any recognized school, training program or institution of higher education. Students must meet eligibility requirements as listed in FSHB 3.15.1. A student will remain exempt during the school term, school breaks, and school vacations unless they graduate, are expelled, suspended, drop out or do not plan on registering for the next term (excluding summer school).
3. A person considered physically or mentally incapable of becoming employed.
4. A person subject to work requirements under title IV of the Social Security Act (i.e. W-2).
5. A parent or other HH member who is responsible for caring for a dependent child under age 6, or for someone who is incapacitated.
6. A person who has applied for or is receiving unemployment compensation.
7. A regular participant in an alcohol or other drug abuse (AODA) treatment

and rehabilitation program.

8. A person employed or self-employed at least 30 hours per week or earning at least the equivalent of federal minimum wage multiplied by 30 hours per week. This includes migrant and seasonal workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
9. A household member who has applied for SSI is exempt from work requirements until a disability determination is made. If they are determined ineligible for SSI, the requirement to register for work should be re-evaluated.

Note: For exemptions from the ABAWD work requirement, see section 3.17 Able-Bodied Adults Without Dependents.

3.16.1.4 Work Registration Requirement

As a condition of FS eligibility, each household member not exempt from the FoodShare work requirements in 3.16.1.2 must register for work at the time of application and ~~review~~ renewal.

Registration for work is completed when the agency receives one of the following:

1. A signed RFA after client registration in CWW is completed,
2. A signed Page 1 application registration form (F-16019A),
3. A completed, signed FoodShare Wisconsin Application Form (F-16019B),
4. An ACCESS Application containing an electronic signature, or
5. A signed signature page from the CARES Case Summary.
6. A completed telephonic signature (2.1.1.4).

The adult who signs the FS application registers all adult household members who are required to register for work. IM workers must explain to the household the FoodShare work requirements, the rights and responsibilities of work-registered household members, and the consequences of failure to comply.

IM workers should provide applicants and recipients members with information about the FSET program. Workers need to inform work registrants that although registration for work is mandatory, participation in FSET is voluntary and nonparticipation will not result in being sanctioned. However, if a household member has been determined a non-exempt ABAWD, FSET nonparticipation of non-Exempt ABAWDs may result in the loss of FS eligibility once three months of time-limited benefits are exhausted without meeting the ABAWD work requirement (see 3.17 ABAWDs).

3.16.1.5 Voluntary Quit or Reduced Work Effort (VQT)

A FS applicant or member not exempt from the FoodShare work requirements in 3.16.1.2 will be sanctioned from receiving FS benefits if, 30 days prior to application or anytime thereafter, he or she voluntarily and without good cause:

1. Quits a job of 30 hours a week or more,
2. Reduces work hours below 30 hours/week, or
3. Refuses a bona fide offer of suitable employment.

3.17.1.3 ABAWD Status

Note: An individual may request a fair hearing if he or she disagrees with the IM agency's determination of ABAWD status. (see section 6.4.1 Fair Hearings)

4.3.3.6.3 Self-Employed Child Care Provider 4.3.4.3 Disregarded Unearned Income

The table was updated with July 1, 2015-June 30, 2016 rates.

Medical and Dependent Care:

1. Disregard reimbursements for medical or dependent care. Some examples of medical or dependent care reimbursements that should be disregarded are payments from the MA Community Integration Program (CIP), such as buying a seeing-eye dog:
 - a. Reimbursements from the MA Medical Assistance, also known as Medicaid or Title 19 Community Integration Program (CIP).

- b. Reimbursements from the Alzheimer's Family Caregiver Support Program (AFCSP) and National Family Caregiver Support Program (NFCSP).
- 2. Disregard dependent care payments as income for a group member's care when a county agency:
 - a. Pays a dependent care provider directly.,
 - b. Reimburses the FS group after the group has incurred or paid a dependent care expense.
- 3. Disregard payments from the Wisconsin Family Support Program, which reimburses assists families for allowable by covering medical, dependent and other allowable expenses for in-home support for children with severe disabilities. Payments are vended may be issued in several ways, including by voucher or direct payment to the vendor, or made directly payment to the family as a reimbursement for allowable expenses. Do not confuse this program with "family support", a court ordered obligation that combines child support and maintenance.

4.6.7.3 Standard Utility Allowances

~~Effective April 28, 2014, the change in policy is to be applied at application and renewal. Simplified reporting cases with reported changes are not required to report changes in utility obligations; therefore this policy change may have no impact on the case.~~

FoodShare households that have received a WHEAP or LIHEAP payment greater than \$20* in the current month, or within the past 12 months, will receive the HSUA. WHEAP or LIHEAP payments may be received at any address (in or out of state) in the current month or the past 12 months.

Households that have not received WHEAP or LIHEAP will receive the appropriate utility standard based on the utility obligation(s) incurred by the household as described below:

~~WHEAP or LIHEAP payments may be received at any address (in or out of state) in the current or previous 12 months.~~

~~The Heating Standard Utility Allowance (HSUA), if obligated to pay, or actually paying for any heating source, including but not limited to gas, electric, wood, propane, etc.~~

Utility Standards

- 1. The **Heating Standard Utility Allowance (HSUA)**, if obligated to pay, or actually paying for any heating source, including but not limited to gas, electric, wood, propane, etc.
- 2. The **Limited Utility Allowance (LUA)**, if obligated to pay, or actually paying for two or more of any non-heat qualifying utility expenses. The qualifying utility expenses are phone, water, sewer, electric, cooking fuel, or trash.
- 3. The **Electric Utility Allowance (EUA)**, if obligated to pay, or actually paying for only a non-heat electric bill.
- 4. The **Cooking Fuel Utility Allowance (FUA)**, if obligated to pay, or actually paying for only a fuel used for cooking that is not also used for a heating source.
- 5. The **Water Utility Allowance (WUA)**, if obligated to pay, or actually paying for only a water bill, a sewer bill, septic tank installation or maintenance, or wastewater treatment bill.
- 6. The **Phone Utility Allowance (PUA)**, if obligated to pay, or actually paying for only a telephone, including cellular phones.
- 7. The **Trash Utility Allowance (TUA)**, if obligated to pay, or actually paying for only a trash or garbage bill.

If a household does not claim to have any utility obligation for the current residence

and has not received a WHEAP payment, no utility allowance will be granted.

See 8.1.3 Deductions for the current amount.

***Wisconsin's WHEAP and LIHEAP payments are always greater than \$20. Workers will need to determine the payment amount from other states.**

5.2.1 FS-E

This section has been rewritten.

6.1.3.3 Changes That Cause an Increase in Benefits, Including Person Adds

6.1.3.3 Changes That Cause an Increase in Benefits, Including Person Adds and Loss of Income

7.3.2.1 Client and Non-client Error

In overissuance calculations, do not apply the 20% earned income disregard to earned income that was required to be reported but was not reported timely. Disregard income that was not previously reported and was not required to be reported due to reduced reporting requirements. If expenses were reported correctly at the time of the overissuance, use those same expenses when calculating the overissuance. ~~If not, then do not use the expenses in the calculation.~~ If expenses were incorrectly reported, and subsequently verified (examples: the expense was considered questionable and worker requested and received verifications, or the expense was verified through a QC review, or a WHEAP data exchange, etc.) use the verified amount in the overpayment calculation. If the worker knows the expense is incorrect and verification was requested but was not received, do not allow the expense in the overpayment calculation.

7.3.2.10 Tax Intercept

To use tax intercept, ~~the person must have received three or more dunning notices and the debt must be:~~ the overpayment must be considered delinquent. Delinquency is defined as failing to make the monthly payment by the due date three times over the life of the debt. The collection system sends three dunning, or past due, notices for each of the three missed payments. The debt must meet all six of the criteria below:

- ~~1. Valid and legally enforceable.~~
- ~~2. State: All error types.~~
- ~~3. Federal: All error types.~~
- ~~4. State: At least \$20.~~
- ~~5. Federal: At least \$25.~~
- ~~6. State: At least 30 days from notification of overissuance.~~
- ~~7. Federal: Not more than 10 years past due from notification date except in fraud cases. There is no delinquency period for fraud.~~
- ~~8. Free from any current appeals.~~
- ~~9. Incurred by someone who has not filed bankruptcy, nor has their spouse.~~

	State	Federal
1	Valid and legally enforceable	Valid and legally enforceable
2	All error types	All error types
3	\$20	\$25
4	At least 30 days after the third notification of the tax intercept.	At least 120 days from notification of overissuance.
5	Free from any current appeals.	Free from any current appeals.
6	Incurred by someone who is not currently in bankruptcy.	Incurred by someone who is not currently in bankruptcy.

7.3.2.12 Repayments

A client who makes a repayment agreement may not be subject to tax intercept as

long as he or she is meeting the conditions of the agreement. If a ~~client has received three dunning notices~~ member's repayment agreement becomes delinquent, which is defined as three missed payments over the life of the debt and has been sent three dunning, or past due, notices, he or she is subject to both tax intercept and monthly repayment.

8.1.1.1 Income Limits

The table was updated with the income limits effective October 1, 2015.

8.1.1.2 Regular SNAP Program Income Limits

The table was updated with the income limits effective October 1, 2015.

8.1.3 Deductions

The table was updated with the income limits effective October 1, 2015.